

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AYODELE OKE,)	
Plaintiff,)	
)	C.A. No. 18-214 Erie
)	
v.)	
)	District Judge Susan Paradise Baxter
DOCTOR BIGGINS, et al.,)	Magistrate Judge Richard A. Lanzillo
Defendants.)	

MEMORANDUM ORDER

Plaintiff Ayodele Oke, an inmate incarcerated at the State Correctional Institution at Forest in Marienville, Pennsylvania (“SCI-Forest”), initiated this *pro se* civil rights action on August 2, 2018, asserting Eighth Amendment claims of deliberate indifference to his serious medical needs against six members of the medical and/or corrections staff at SCI-Forest, including Doctor Biggins, a dentist (“Biggins”). The case was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. This matter was subsequently reassigned to the undersigned, as presiding judge, on November 14, 2019, with Judge Lanzillo remaining as the referred Magistrate Judge for all pretrial proceedings.

Following litigation of a motion to dismiss previously filed by Defendants [ECF No. 16], all claims and Defendants were dismissed from this case except for Plaintiff’s Eighth Amendment claim against Defendant Biggins in his individual capacity. [ECF No. 32]. After the parties completed discovery, Defendant Biggins filed a motion for summary judgment [ECF No. 49], to which Plaintiff filed a response and opposition brief [ECF Nos. 57, 58].

On January 13, 2021, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R") recommending that Defendant Biggin's motion for summary judgment be granted. [ECF No. 61]. Objections to the R&R were due to be filed by February 1, 2021; however, no objections have been filed to date.

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 16th day of February, 2021;

IT IS HEREBY ORDERED that Defendant Biggin's motion for summary judgment [ECF No. 49], is GRANTED and judgment is entered in favor of Defendant Biggins and against Plaintiff on the sole remaining claim in this case. The report and recommendation of Magistrate Judge Lanzillo, issued January 13, 2021 [ECF No. 61], is adopted as the opinion of the court.

The Clerk is directed to mark this case CLOSED.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge